

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

CENTRAL ILLINOIS PUBLIC SERVICE) DOCKET NO.
COMPANY d/b/a AmerenCIPS) 09-0290
)
Petition for a Certificate of)
Public Convenience and Necessity)
pursuant to Section 8-406 of the)
Illinois Public Utilities Act, to)
construct, operate and maintain a)
gas pipeline in Williamson County,)
Illinois.)

Springfield, Illinois
Monday, December 21, 2009

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. ALBERT STURTEVANT
JONES DAY
77 West Wacker, Suite 3500
Chicago, Illinois 60601
Ph. (312) 272-3939

(Appearing via teleconference on
behalf of Petitioner)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1	<u>I N D E X</u>				
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	None .				
4					
5					
6					
7					
8					
9					
10					
11					
12	<u>EXHIBITS</u>				
13			<u>MARKED</u>	<u>ADMITTED</u>	
14	AmerenCIPS 1.0, 1.1		E-docket		32
	AmerenCIPS 2.0, 2.1, 2.2, 2.3		E-docket		32
15	AmerenCIPS 3.0		E-docket		32
	AmerenCIPS 4.0, 4.1, 4.1-A thru		E-docket		32
16	4.1-F, 4.2 thru 4.6				
	AmerenCIPS 5.0		E-docket		32
17	AmerenCIPS 6.0, 6.1 thru 6.4		E-docket		32
	AmerenCIPS 7.0, 7.1		E-docket		32
18					
	ICC Staff 1.0		E-docket		34
19	ICC Staff 2.0		E-docket		34
	ICC Staff 3.0, 3.1		E-docket		34
20					
21					
22					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PROCEEDINGS

JUDGE JONES: Good morning. I call for hearing
Docket Number 09-0290. This is titled in part
Central Illinois Public Service Company d/b/a
AmerenCIPS, petition for a Certificate of Public
Convenience and Necessity pursuant to Section 8-406
of the Public Utilities Act to construct and operate
a gas pipeline in Williamson County, Illinois.

We will take the appearances orally
for the record at this time. If you have already
entered your appearance at a prior hearing, you need
not restate your business address and phone number
unless you wish to.

At this time may we have the
appearance or appearances on behalf of the Applicant
Central Illinois Public Service Company?

MR. STURTEVANT: Yes, Your Honor, appearing on
behalf of AmerenCIPS, Albert Sturtevant,
S-T-U-R-T-E-V-A-N-T, of Jones Day.

JUDGE JONES: Thank you. Illinois Commerce
Commission Staff?

MR. OLIVERO: Thank you, Your Honor. Appearing

1 on behalf of the Staff witnesses of the Illinois
2 Commerce Commission, Jennifer Lin and Jim Olivero.

3 JUDGE JONES: Thank you. Mr. Lawler?

4 MR. LAWLER: Yes, on behalf of Andrew
5 Bjornberg, and I have previously entered our
6 appearance.

7 JUDGE JONES: Thank you. Are there any other
8 appearances to be entered this morning? Let the
9 record show there are not.

10 In terms of the agenda and procedures
11 for today's hearing, is it the intent of the parties
12 to offer into evidence the testimony that has been
13 prefiled in this proceeding or did you have some
14 other plan in mind?

15 MR. STURTEVANT: Your Honor, this is Albert
16 Sturtevant. It is my understanding that the
17 intention of Staff and the Company is to enter their
18 evidence into the record at this time.

19 MR. OLIVERO: That is correct, Your Honor.

20 JUDGE JONES: Would you identify yourself?

21 MR. OLIVERO: Oh, I am sorry, this is Jim
22 Olivero. That is correct.

1 MR. LAWLER: This is Ray Lawler. No objection.

2 JUDGE JONES: Thank you. We will proceed on

3 that basis. Now, Mr. Sturtevant, you can go first

4 preliminarily. Is it the case that all the testimony

5 and exhibits that you planned to offer into the

6 record today has been previously filed on e-Docket

7 and is currently listed on e-Docket on the date of

8 filing?

9 MR. STURTEVANT: Yes, that's correct, Your

10 Honor.

11 JUDGE JONES: Is it your intent to submit

12 affidavits from those witnesses in this proceeding?

13 MR. STURTEVANT: Yes, Your Honor. As I

14 indicated previously, we have already filed three

15 affidavits, for Mr. Spillers, Mr. Nelson and

16 Mr. Phelps, and the remaining two, for Ms. Seckler

17 and Ms. Murphy, are being executed and will be filed

18 on e-Docket.

19 JUDGE JONES: How long do you need to file

20 those?

21 MR. STURTEVANT: Your Honor, I believe we can

22 file them today.

1 JUDGE JONES: All right. Why don't you go
2 ahead and proceed with the offering of the testimony
3 into the record that you intend to offer in?

4 MR. STURTEVANT: Thank you, Your Honor. Your
5 Honor, I would like to begin with the testimony of
6 Mr. Dane Spillers, prepared direct testimony which
7 was marked as Ameren Exhibit 1.0. His direct
8 testimony is supported by his affidavit which is
9 marked as Ameren Exhibit 1.1.

10 And would you prefer me just move each
11 individual's testimony into evidence individually or
12 just as a group at the end?

13 JUDGE JONES: Are you going to offer them
14 exactly as they appear on e-Docket?

15 MR. STURTEVANT: Yes, that's correct.

16 JUDGE JONES: Unless someone would like to have
17 those read item by item into the record as you offer
18 them, you can just refer to them generally, as long
19 as what you are offering is exactly what has been
20 previously filed on e-Docket. If you prefer to read
21 them in item by item or witness by witness, that's
22 okay. Did you have a preference yourself?

1 MR. STURTEVANT: I guess my preference would be
2 to read the individual witness' testimonies in, but
3 maybe I will just do all the witnesses and at the
4 conclusion of all the witnesses I will just move for
5 the evidence -- move for admission of all of our
6 testimony as an entire group.

7 JUDGE JONES: All right. You can go ahead and
8 do it that way. You are going to identify each one
9 as you go then? Is that your plan?

10 MR. STURTEVANT: Yes, Your Honor.

11 JUDGE JONES: Go ahead.

12 MR. STURTEVANT: Next we have the testimony of
13 Mr. Roger Nelson. Mr. Nelson prepared direct
14 testimony marked as Ameren Exhibit 2.0 with
15 accompanying Ameren Exhibits 2.1 and 2.2. These
16 testimony and exhibits are supported by Mr. Nelson's
17 affidavit marked as Ameren Exhibit 2.3.

18 Next we have the testimony of
19 Mr. Carey Phelps. Mr. Phelps prepared direct
20 testimony marked as Ameren Exhibit 3.0 and rebuttal
21 testimony marked as Ameren Exhibit 7.0. The
22 testimony is supported by Mr. Phelp's affidavit which

1 is marked as Ameren Exhibit 7.1.

2 We also have the testimony of
3 Ms. Donell Murphy. Ms. Murphy prepared direct
4 testimony marked as Ameren Exhibit 4.0 with
5 accompanying Ameren Exhibits 4.1, 4.1-A through 4.1-F
6 and 4.2 through 4.5. Ms. Murphy's testimony is
7 supported by her affidavit marked as Ameren Exhibit
8 4.6.

9 Lastly, Your Honor, we have the
10 testimony of Ms. Vonda K. Seckler. Ms. Seckler
11 prepared direct testimony marked as Ameren Exhibit
12 5.0 and rebuttal testimony marked as Ameren Exhibit
13 6.0. The rebuttal testimony is in both public and
14 confidential versions. Her rebuttal testimony is
15 accompanied by Ameren Exhibit 6.1 through 6.3 which
16 are also both confidential and public versions.
17 Ms. Seckler's testimony and exhibits is supported by
18 her affidavit marked as Ameren Exhibit 6.4.

19 And at this time Ameren would move for
20 the admission of the above-identified testimony and
21 exhibits into evidence in the proceeding.

22 JUDGE JONES: How many of those affidavits have

1 been filed?

2 MR. STURTEVANT: Three, Your Honor, have been
3 filed. Those three are Mr. Spillers and Mr. Nelson,
4 Mr. Phelps. I have a copy in front of me of
5 Ms. Seckler's and I am awaiting for the execution of
6 Ms. Murphy's.

7 JUDGE JONES: Thank you. Counsel for
8 AmerenCIPS has moved those exhibits into the record.
9 Are there any objections to the admission of those
10 AmerenCIPS exhibits?

11 MR. OLIVERO: This is Jim Olivero. No, Your
12 Honor.

13 JUDGE JONES: Let the record show that there
14 are no objections. Those exhibits which will be
15 known as AmerenCIPS exhibits, will all have that
16 prefix, are hereby admitted into the evidentiary
17 record. Identification numbers will be as just noted
18 for the record by Mr. Sturtevant. The filing date of
19 those admitted exhibits are the dates that appear on
20 the e-Docket entries in the Document section of this
21 proceeding. Three of those affidavits have already
22 been filed. They are admitted at this time as well.

1 The two remaining affidavits will be
2 filed within the next seven days. They will be
3 deemed admitted upon their receipt. The admission of
4 the exhibits to which those affidavits apply will be
5 admitted subject to receiving those affidavits within
6 the above-referenced schedule.

7 Are there any questions with respect
8 to the admission of those AmerenCIPS testimonies and
9 exhibits? Let the record show there are not.

10 (Whereupon AmerenCIPS Exhibits
11 1.0, 1.1, 2.0, 2.1, 2.2, 2.3,
12 3.0, 4.0, 4.1, 4.1-A through
13 4.1-F, 4.2 through 4.6, 5.0,
14 6.0, 6.1 through 6.4, 7.0 and
15 7.1 were admitted into
16 evidence.)

17 JUDGE JONES: All right. Is the Commission
18 Staff ready to proceed with its testimony?

19 MR. OLIVERO: Yes, we are, Your Honor. Your
20 Honor, at this time Staff would move for admission
21 into the record of ICC Staff Exhibit 1.0 which is the
22 direct testimony of Brett Seagle. This document was

1 filed with the Commission's e-Docket system on
2 October 13, 2009.

3 Staff moves for admission into the
4 record of ICC Staff Exhibit 3.0 which is the rebuttal
5 testimony of Brett Seagle, and this document was
6 filed with the Commission's e-Docket system on
7 December 9, 2009.

8 Staff also moves for admission into
9 the record of ICC Staff Exhibit 3.1 which is the
10 supporting affidavit of Brett Seagle. This affidavit
11 was filed with the Commission's e-Docket system on
12 December 17, 2009.

13 And, finally, Staff would move for
14 admission into the record of ICC Staff Exhibit 2.0
15 which is the affidavit of Mike McNally, and this was
16 filed with the Commission's e-Docket system back on
17 October 13, 2009.

18 JUDGE JONES: Thank you. Are there any
19 objections to the admission of those ICC Staff
20 exhibits?

21 MR. STURTEVANT: No objection from the Company,
22 Your Honor.

1 JUDGE JONES: Let the record show those ICC
2 Staff exhibits just read into the record by
3 Mr. Olivero are hereby admitted into the evidentiary
4 record as filed on e-Docket on the dates noted by
5 Mr. Olivero and shown on the e-Docket filing system
6 under the Documents category.

7 (Whereupon ICC Staff Exhibits
8 1.0, 2.0, 3.1 and 3.1 were
9 admitted into evidence.)

10 JUDGE JONES: Before we proceed with any
11 additional post-hearing scheduling, do any of the
12 parties have anything else you wish to take up or
13 propose to do at this time?

14 MR. LAWLER: This is Ray Lawler. I have
15 nothing.

16 JUDGE JONES: At this time then we will take up
17 the post-hearing scheduling beyond what has already
18 been discussed. Mr. Sturtevant, does the Applicant
19 propose some sort of post-hearing filing to be made
20 in this docket?

21 MR. STURTEVANT: Yes, Your Honor, Ameren is
22 preparing a draft order and would submit that to

1 Staff for review and other parties, if they so
2 desire, with the intention of filing that draft order
3 on January 15.

4 JUDGE JONES: Was there a date to be put into
5 the record with respect to that pre-filing
6 circulation to others?

7 MR. STURTEVANT: Yeah, I believe January 6 was
8 the date we agreed on.

9 JUDGE JONES: So the way that would work under
10 your proposal is counsel for Applicant would
11 circulate a draft order to Staff and others who
12 wanted it on or before January 6, and then Applicant
13 would make a filing of it on January 15?

14 MR. STURTEVANT: That is correct, Your Honor.

15 JUDGE JONES: Are there any objections to the
16 use of that schedule?

17 MR. LAWLER: No.

18 JUDGE JONES: At this time let the record show
19 that that schedule is hereby put into place in this
20 proceeding. January 15 will be the date for that
21 filing by AmerenCIPS. That date will be available
22 for the filing of a draft order to other parties if

1 they choose to make such a filing. The January 15
2 filing will be made with the Commission and it will
3 be copied on other parties and on me.

4 I think that may conclude the
5 proceedings for today. Let me make sure. Do any of
6 the parties have anything else for purposes of
7 today's hearing before we conclude it?

8 MR. LAWLER: Attorney Lawler has nothing.

9 JUDGE JONES: Thank you, sir. At this time let
10 the record show that today's hearing is concluded.
11 The above-referenced post-hearing scheduling is in
12 effect. Subject to that post-hearing scheduling
13 implemented above, this matter is hereby marked heard
14 and taken.

15 HEARD AND TAKEN

16

17

18

19

20

21

22